## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
Ronald Martin Tanner et al.

Confirmation Number: 7309

Application No.: 09/766,407

Group Art Unit: 2173

Filed: January 22, 2001

Examiner: BASOM, Blaine

Title: METHOD AND SYSTEM FOR GENERATING DYNAMIC IMAGES

## REPLY BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

## I.    INTRODUCTION

This Reply Brief is being filed within two months of the Examiner's Answer mailed October 11, 2005. This Brief responds to the points raised by the Examiner's Answer.

### The Status of the Claims

Claims 1-11, 13-23, and 25-27 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Traversat et al. (U.S. patent No. 6,052,720) hereinafter referred to as "Traversat".

## II.   RESPONSE TO EXAMINER'S ARGUMENTS

### A.   Summary of Differences Between Appellants' Invention and Traversat.

Appellants' invention relates on maintaining at least one image that may be used by one or more devices. The at least one image may be used to boot the device. *See* Appellants' Specification, pg. 5, line 1- pg. 6, line 11. A customized image may be created by adding one or more additional images to the at least one image. For example, an image for application data may be added to the at least one image. *See* Appellants' Specification, pg. 10, lines 13- pg. 11, line 2. Additional images may be added to the at least one image without affecting the integrity of the at least one image. *See* Appellants' Specification, pg. 13, line 20-pg. 14, line 14.

Traversat on the other hand, maintains a server schema that stores configuration information in a distributed tree like data structure (server schema) based on varying categories. *See* Traversat at col. 6, lines 41-51. Information from disparate tree nodes have to be coalesced before a final set of configurations may be sent to the client computer. Traversat has to resolve multiple categories of configuration values before sending a final configuration to the client computer. *See* Traversat at col. 4, lines 20-39. Traversat fails to disclose a customized image comprised of the at least one image and additional images because the integrity of the at least one image is not retained as a matter of practice. Rather, a coalescing process ends up overriding configuration information from various categories. The present invention avoids such implementation by ensuring that at least one image is maintained that provides at least a minimal boot image.

### B. Claims 1-11, 13-23, and 25-27 are Patentable over Traversat.

#### 1. Traversat Fails to Disclose All Elements of Independent Claims 1 and 13.

a. Traversat fails to disclose "the at least one customized image comprises the at least one image of the device and the one or more additional images."

Claim 1 recites, among other things, "creating at least one customized image, wherein the at least one customized image comprises the *at least one image of the device and the one or more addition images*." Claim 13 recites similar features. The Examiner alleges that "the at least one image of the device" is equivalent to Traversat's disclosure of configuration information for a client computer within a platform category.[1] The Examiner also alleges that the "the one or more additional images" is equivalent to Traversat's disclosure of configuration information from other server schema categories including profile, user, and group.[2] Even if this allegation were true, which is not admitted, Traversat would still fail to disclose a customized image comprising *at least one image of the device and the one or more addition images*.

Applicants previously argued that the alleged "at least one image" (e.g., platform data) is overridden by other configuration information from higher ranking categories (e.g., profile, user, group) to create a final data set that is sent to the client and that accordingly, the at least on image (platform data) is not included in the final set because at least part of it is overridden by other data. *See* Appellants' Appeal Brief of July 10,

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[1] *See* Examiners Answer, pg. 4, lines 4-9; pg. 5, lines 1-3 and 11-14; pg. 6, lines 1-5 and 17-18; pg. 9, lines 13-18; pg. 13, lines 6-7 and 9-11; and pg. 15, lines 5-6.

[2] See Examiner's Answer, pg. 4, lines 11-16; pg. 5, lines 14-16; and pg. 13, lines 11-12.

2006, pg. 12. In response, the Examiner's Answer concedes that platform configuration information is overridden, but alleges that not all the values in the platform category are overridden. The Examiner's Answer states:

> It is true that Traversat discloses combining configuration information from within a platform category (i.e. the "at least one image of the device") with configuration information within other server schema categories (i.e. the "one or more additional images"), whereby values in the platform category that have matching values in other categories [are] overridden by the values of the other categories.
>
> Pg. 13, lines 9-13.
>
> It is, however, readily apparent that not every value in the platform category (i.e. the at least one image) is overridden by the values of the other categories (i.e. the "one or more additional images"); only values in the platform category that have matching properties with one of the other categories are overridden.
>
> Pg. 13, lines 1-4.

The profile configuration information is changed and not the same as stored within the server schema. The present invention avoids this type of situation.

Appellants' Specification specifically states the following:

> [I]t may be advantageous for the administrator to develop a base image of a workstation (or other device) with minimum or no applications that may be added with add-on images. This enables upgrades of images to be done by simply changing the applications add-on images, keeping the administrator from having to retake another "golden" image.
>
> Pg. 10 line 19- pg. 11, line 2.
>
> [T]he present invention enables the base image to stay constant while associated applications may be updated to dynamically change the image.
>
> Pg. 14, lines 12-14.

The present invention maintains the integrity of the "at least one image" by creating a customized image comprised of the "at least one image" and "one or more

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addition images." This allows the "at least one image" to remain unchanged. Given this and the Examiner's own admission, it is clear that Traversat does not anticipate the claimed invention which recites "the at least one customized image comprises the at least one image of the device and the one or more addition images."

The Examiner attempts to further argue that in a non-preferred embodiment, configuration information from the platform category may be sent in its entirety. *See* Examiner's Answer at pg. 16. Even if this were true, which is not admitted, there is no teaching of sending platform data in its entirety with one or more additional images as a customized image.

b.      Traversat fails to disclose "identifying, based on the at least one rule, the at least one image that is to be placed on the device."

Traversat uses rules to determine how to merge a plurality of configuration categories. As shown above, the Examiner alleges that platform category information is equivalent to "the at least on image." Even if this were true, which is not admitted, Traversat uses rules to override the platform category information and not to identify the platform category information itself. The Examiner alleges the following in their rejection:

> [B]ased on the client's hardware information, the server computer arranges and sends configuration data on the client computer according to a set of rules, considered an "imaging server policy," the set of rules comprising a way in which configuration information is selected to be sent to the client computer (see column 4, lines 20-47); particularly, the server computer identifies, within the above described platform category, configuration information corresponding to the specified type of client computer, and augments or overrides this information with information form the profile category, user category, and the group category (see column 10, line 29- column 11, line 67).

Examiner's Answer, pg. 4, line 20- pg. 5, line 5.

As acknowledge by the Examiner, Traversat applies rules when coalescing configuration data from multiple data categories. As further evidence, Traversat discloses:

> A set of rules containing a list of priorities among data categories is applied to the data item correspondence. A final data set is derived from applying the rule set to the data item correspondence and is sent over the network to a destination computer.
>
> Col. 4, lines 32-37
>
> [T]he set of rules includes an order of preferences for determining which data items from the first two data sets will be included in the final data set.
>
> Col. 4, lines 43-45

Given this, Traversat makes clear that a set of rules is used for coalescing configuration information from among a variety of data categories and not for identifying platform configuration data itself. Thus, Traversat fails to anticipate at least the claimed feature for "identifying, based on the at least one rule, the at least one image that is to be placed on the device."

## 2. Dependent claims 6 and 18

Dependent claims 6 and 18 recite, among other things, "associating the at least one image of the device and the one or more additional images to the base image; and updating the customized image to comprise the base image of the device, the at least one image of the device, and the one or more additional images." The Examiner's Answer fails to address "updating the customized image." Rather, the Examiner points to previous arguments concerning claims 1 and 13.

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Traversat fails to disclose updating a customized image using a base image.

Appellants' Specification states the following:

> Customizing images may be particularly useful as applications change or are updated, or as additional application are applied to workstations. For example, the administrator may create the application objects for the new applications and then associate the application object image with the base image of the workstation. Then, the next time the image is placed on a workstation or other device then the base image and the image of the new application may be applied to the workstation or other device.

Pg. 14, lines 7-12.

Thus, the customized image may be updated via the images associated with a base image. Traversat fails to disclose updating a customized image in this manner. Traversat creates a new image every time a user logs on rather than updating an existing image that was placed on the device (customized image). Traversat fails to properly anticipate the claim features of claim 6 and 18 for at least the foregoing reasons.

### 3. Dependent claims 7 and 19

Claims 7 and 19 recite, "customizing the at least one image further comprises defining one or more file sets, wherein the file sets are inserted into a corresponding one of the at least one image." The present invention uses files sets to define and customize the at least one image. See Appellants' Specification, pg. 15, line 16- pg. 16, line 7. As shown above, the Examiner equates the claimed "at least one image" to platform configuration data. Platform configuration data, however, is not defined of one or more file sets. Traversat discloses platform configuration data containing property values related to specific information about the client computer type. These values are not file

sets. The Examiner's Answer admits that Traversat fails to disclose sets of files. The

Examiner's Answer states:

> Traversat does not explicitly disclose that such configuration information
> is stored as sets of files. Nevertheless, as is well known to one of ordinary
> skill in the art, files are an intrinsic and rudimentary means for storing and
> accessing information from the memory of a computer. Accessing
> configuration information from the server schema, that is, necessitates
> accessing one or more files. Accordingly, the Examiner maintains that the
> configuration information maintained by the server schema is stored as
> files, accessible through the schema.
>
> Pg. 20, lines 11-17.

The Examiner argues that the server schema as whole necessitates accessing one

or more files. Even if these allegation were true, which is not admitted, the Examiner still

fails to disclose defining file sets for a platform configuration data. As such, Traversat

fail to properly anticipate the claim features of claim 7 and 19 for at least the foregoing

reasons.

### 4.    Dependent claims 8 and 20

Claims 8 and 20 recite "inserting the one or more application images into

corresponding ones of the at least one image." An image file may be created from an

application object. The application image may be added to the set of images to be applied

to any device receiving the base image. *See* Appellants' Specification, pg. 14, line 15-

pg. 15, line 15; and pg. 16, lines 8-21.

The Examiner's Answer alleges that profile, user, and group categories provide

application images. *See* Examiner's Answer, pg. 8, lines 1-11. However, configuration

information from the profile category, user category, and group category, are coalesced

and individually overridden to form a final configuration set. Application data from each category is not inserted into a corresponding image. The Examiner's Answer points to previous arguments concerning claims 1 and 13 and fails to consider inserting application images into corresponding images.

### 5. Independent claim 27

Claim 27 recites, among other things, "at least one image including a plurality of files...defining one or more file sets to include selected ones of the plurality of files...identifying...the one or more file sets to be inserted in the at least one image." File sets may include two or more files that are collectively defined to make a single image. According to one aspect of the invention, when the image is applied, the policies or the administrator may request that one or more identified file sets be used in the image. *See* Appellants' Specification, pg. 15, line 16- pg. 16, line 7.

Claim 27 stands rejected under Section 102. In the Final Rejection the Examiner alleged that Traversat disclosed file sets (see Examiner's Answer, pg. 10, line 3-22). Now, however, the Examiner's Answer admits that Traversat fails to disclose sets of files. The Examiner's Answer states:

> Traversat does not explicitly disclose that such configuration information is stored as sets of files. Nevertheless, as is well known to one of ordinary skill in the art, files are an intrinsic and rudimentary means for storing and accessing information from the memory of a computer. Accessing configuration information from the server schema, that is, necessitates accessing one or more files. Accordingly, the Examiner maintains that the configuration information maintained by the server schema is stored as files, accessible through the schema.

> Pg. 25, lines 8-13.

The Examiner appears to be relying on knowledge "well known to one of ordinary skill in the art" with respect to file properties. The Examiner's Answer fails to provide any evidence to support this assertion. Even if the Examiner's allegations were true, which is not admitted, Traversat fails to anticipate file sets as claimed. Rather, Traversat makes clear that configuration data from the server schema are merely configuration values that are coalesced and overridden to create a final configuration set. *See* Traversat, col. 12 lines 31-67. The values are combined on a property by property basis and do not disclose identifying one or more file sets to be inserted in the at least one image. For at least these reasons, Traversat fails to disclose each and every claim feature as required in an anticipation rejection under 35 U.S.C. §102(e).
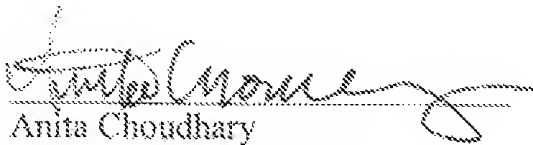
<u>Conclusion</u>

Appellant now appeal to this Honorable Board to promptly reverse these rejection and issue a decision in favor of Appellants.  All of the claims are in condition for allowance.

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Respectfully submitted,

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